

ARTICLE 5

COMMERCIAL DISTRICT REGULATIONS

PART 0 COMMERCIAL DISTRICTS IN GENERAL

5-001 General Purpose and Intent

Commercial zoning districts are established in the Zoning Ordinance to implement Fauquier County Comprehensive Plan goals and policies that relate to providing for and encouraging desired economic development and sustaining and enhancing the quality of life for the County's citizens by providing zoning districts for commercial uses. ~~The commercial zoning districts also are intended to serve the public purpose of regulating many of the attributes of commercial development that, if unregulated, could have serious negative impacts on the environment, the quality of life and on other land uses which may not be fully compatible with commercial uses that were not regulated.~~

5-002 Commercial Districts Established

The following commercial zoning districts are established:

Commercial Neighborhood (C-1) District

Commercial Highway (C-2) District

Commercial Community/Regional Shopping Center (C-3) District

Commercial Village (CV) District

In addition to the above conventional commercial zoning districts, there is also established in Part 2 of Article 7 (Special and Overlay District Regulations) a Special Development—Planned Commercial/Industrial District (PCID).

PART 1 5-100 COMMERCIAL NEIGHBORHOOD (C-1) DISTRICT

5-101 Purpose and Intent

The Commercial Neighborhood (C-1) District is established to provide primarily for a small-scale, town center type of commercial and business district, allowing neighborhood commercial activities and limited residential uses. Its main purpose is to provide areas for neighborhood type retail and service convenience shopping. The areas should be located so as to provide pedestrian access from nearby neighborhoods. The size should relate to the neighborhoods served and the configuration should allow for internal pedestrian movement.

5-102 Principal Uses Permitted By Right

The following principal uses shall be permitted by right in the C-1 District subject to the use restrictions and standards in Section 5-107, below, and in Article 8:

1. Residential Business
 - A. **Dwelling, Single family detached**
 - B. Home occupation with or without retail sales or service
2. Community Uses
 - A. Meeting halls for social, fraternal, civic, public and similar organizations
3. Educational Uses
 - A. Preschool/day care center/nursery school
 - B. **School of special/technical education, indoor**
4. Institutional Uses
 - A. **Medical care facility, minor, limited to facilities which have a capacity of less than 20 beds**
 - B. **Place of Worship**
5. Recreation and Amusement Uses

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- A. **Baseball hitting range and archery range**
 - B. **Bowling alley**
 - C. **Country club/golf course, public or private**
 - D. **Drive in**
 - E. **Golf driving range**
 - F. **Golf, miniature**
 - G. Golf practice facility
 - H. **Health club/spa**
 - I. **Pool/billiards/amusement arcade facility**
 - J. **Private clubs**
 - K. **Skating rink**
 - L. **Swimming/tennis (racquet) facility, public or private**
 - M. Theatre, indoor
6. Public and Quasi-Public Uses
- A. Civic center (governmental)
 - B. Library
 - C. **Museum**
 - D. Parks & recreation facilities (governmental/civic), non-athletic
 - E. Post Office
 - F. Recycling containers, governmental
7. Commercial Retail Uses
- A. Antique shop

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- B. Convenience store
 - C. Retail sales establishment less than **10,000** sq. ft.
8. Commercial Business Uses and Personal Services
- A. Barber/beauty shop
 - B. Broadcasting studio
 - C. Carpentry, plumbing, electrical, printing, welding, sheet metal shops, less than 5000 sq. ft.
 - D. Eating establishment
 - E. **Eating establishment, fast food**
 - F. Farm supply establishment
 - G. Financial institutions
 - H. Funeral home
 - I. Furniture repair, cabinet making, upholstery
 - J. Laundry/dry cleaners/laundromat
 - K. Office, business and professional
 - L. Repair service establishment
 - M. **Taxidermy shop**
 - N. Veterinary clinic
9. Motor Vehicle Related Uses
- A. **Auto repair garage**
 - B. **Service station**
 - C. **Vehicle part sales and installation**
 - D. **Vehicle wash**
10. Wholesaling and Processing Uses

- A. **Auction establishment**
 - B. **Carpet and rug cleaning**
 - C. **Frozen food lockers**
11. Agricultural Uses
- A. **Community farmers market**
 - B. Forestry
12. Public Utilities
- A. Water and sewer pumping and storage facilities, below ground.

5-103 Uses Permitted as Accessory Uses

Accessory uses and accessory service uses are defined in Article 12 and are set forth and subject to the regulations and standards as specified in Part 7 of Article 8. In general accessory uses and structures are uses or structures which are subordinate to and serve the principal use; and are located within the building or structure served or on the same lot.

5-104 Uses Permitted by Special Exception

The following uses may be approved by Special Exception by the Board of Supervisors pursuant to the regulations and standards of Article 8 and procedural requirements of Part 5 of Article 9:

- 1. Educational Uses
 - A. **Primary school and secondary/advanced school with or without dormitory, fraternity/sorority house or other residential facilities for use by students, faculty or others affiliated with an educational institution**
- 2. Institutional Uses
 - A. **Medical or continuing care facility, major**
- 3. Recreation and Amusement Uses

- A. **Equestrian facilities (boarding and instruction) (spectator facilities)**
- B. Field Event and Activities (Class C) as defined in Article 12
- 4. Public and Quasi-Public Uses
 - A. Governmental facilities, County
 - B. Public safety facility, (fire, rescue, police station or substation facility)
- 5. Public Utilities
 - A. Electrical generating plant and facilities; utility transmission facilities not subject to State Corporation Commission; sewage treatment, disposal and water purification
 - B. **Telecommunication facilities, radio, television, microwave, antenna and transmitting equipment and above ground water and sewer pumping storage facilities (See Article 8 – Part 11)**

5-105 Uses Permitted by Special Permit

The following uses may be approved by Special Permit by the Board of Zoning Appeals pursuant to the regulations and standards of Article 8 and procedural requirements of Part 6 of Article 9:

- 1. Residential Uses
 - A. Dwelling, single family detached
- 2. Institutional Uses
 - A. **Residential care facility, minor**
- 3. Recreation and Amusement Uses
 - A. **Firing range, skeet or trapshooting facility (indoor)**
 - B. **Marina, dock or boating facility**

4. Public and Quasi-Public Uses
 - A. **Fairgrounds**
 - B. Parks and recreational facilities (government/civic), athletic
 - C. **Parking facilities, public or private**
5. Commercial Retail Uses
 - A. **Fuel yard (Redefine) (solid)**
 - B. Retail establishment and shopping center more than **10,000** sq. ft. but less than 75,000 sq. ft.
6. Commercial Business Uses and Personal Services
 - A. **Conference center**
 - B. Kennel/animal shelter
7. Motor Vehicle Related Uses
 - A. **Auto body/painting establishments**
 - B. **Automobile/truck sales, rental and service (including motorcycles and recreational vehicles)**
 - C. **Farm equipment sales, rental and service**
 - D. **Recreational Vehicle Storage Area**
8. Public Utilities
 - A. **Electrical substation distribution centers and transformer stations; natural gas, oil, and other petroleum products metering, regulation, compressor and local office space incidental thereto and necessary for the operation of such stations but not including any storage facilities**
9. Transportation Uses
 - A. Bus/rail terminal

10. Interment Uses

- A. Interment uses to include cemeteries, mausoleums, columbariums, memorial gardens and crematoriums

11. Increases in Building Height

- A. Pursuant to the standards of Section 8-23 of this Ordinance the Board of Zoning appeals may approve an increase in height above that specified in Section 5-109, below.

12. Modification of Lot Sized, Width or Frontage

- A. **Pursuant to the standards of Section 8-124 of this Ordinance, the Board of Zoning appeals may modify the lot size, width and frontage requirements for industrial park developments**

5-106 Uses Permitted by Administrative Permit

The following uses may be approved by Administrative Permit by the Zoning Administrator pursuant to the regulations and standards of Article 8 and the procedural requirements of Part 7 of Article 9:

1. Temporary Uses

- A. **Carnival, circus, festival, fair, tractor pull, horse show, dog show, steeplechase, pony ride, turkey shoot, sale of Christmas trees and other seasonal commodities and other similar activities**
- B. Construction office
- C. Subdivision sales/rental office

5-107 Use Limitations

Unless otherwise specified in this Ordinance or modified pursuant to Part 3 of Article 10 of this Ordinance, all uses shall conform to the general and specific regulations and standards of Article 8 of this Ordinance. Included in this Article are performance standards and additional standards and regulations for specific permitted, special exception, special permit and administrative permit uses, accessory uses and structures, temporary uses,

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private streets, off-street parking and loading, signs, landscaping and buffering, and site plans.

Land lying within the 100 year floodplain, as defined in Article 12 (Definitions), is designated as a Floodplain (FP) overlay zoning district and is subject to the specific additional use restrictions, limitations and requirements of Part 6 of Article 7.

Land lying within designated airport safety and impact areas is subject to the additional regulations and restrictions of the Airport Safety and Impact (APSI) overlay zoning district set forth in Part 6 of Article 7. The APSI additional regulations include provisions which may limit new residential construction on land that is highly impacted by aircraft noise and may require soundproofing and other measures for specified locations near an airport.

Use limitations that apply to all uses in the C-1 zoning district are:

1. Access by private streets shall not be allowed across land zoned for residential uses.
2. Site or lot entrances shall be subject to the following restrictions:
 - A. On a corner lot no entrance shall be located closer than 60 feet to the right-of-way line of the intersecting street;
 - B. Except where frontage is on a service drive, a single, freestanding use shall have no more than two entrances on any single right-of-way, and curb cuts for such entrances shall have a minimum of 40 feet between them;
 - C. Except on a cul-de-sac, no entrance shall be located closer than 20 feet to a side or rear lot line unless a common entrance serves the adjacent lot and uses thereon;
 - D. There shall be a minimum of 40 feet between entrances serving adjacent land uses or property.
3. Outdoor storage display areas and loading areas shall be permitted only on the same lot with, and ancillary to, a permitted, special exception or special permit use and shall be limited to that area so designated in an approved site plan.

4. **Yards, berms, vegetative screening, fences or walls shall be provided to buffer the visibility of all outdoor storage, loading areas and off-street parking from adjacent residential areas.**
5. **All utility distribution lines shall be underground.**

5-108 Density

The density for single-family, detached, residential units permitted by special permit shall be 4 dwelling units per acre.

5-109 Lot and Building Requirements

1. Minimum lot size: 15,000 sq.ft.
2. Minimum Lot Width: 80 ft.
3. Minimum Front Yard:
 - A. **Where a lot fronts on a street the minimum yard, measured from the right-of-way of the street shall be:**
 - (1) Urban local or rural
minor collector: 55 feet
 - (2) Urban collector or
rural major collector: 70 feet
 - (3) Freeways and principal or
rural principal or minor arterial streets: 85 feet
 - B. Where a lot does not front on a **public** street, the minimum front yard requirement shall be 15 feet. This yard shall not include any part of the parking area or driveway.
4. Minimum Side and Rear Yards
 - A. Adjoining C or I Districts: 0 feet if the structure is on the property line; 12 feet if setback from the property line
 - B. Adjoining Rural or Residential Districts: 25 feet

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5. Maximum Building Height: 35 ft.
6. Maximum Lot Coverage: **45 %.**

5-110 Minimum District Size

A minimum of 2 acres shall be required to establish a C-1 district.

5-111 Minimum Landscape Requirements

A minimum of 10% of the lot area shall be landscaped in accordance with a landscape plan submitted and approved at the time of site plan approval.

PART 2 5-200 COMMERCIAL HIGHWAY (C-2) DISTRICT

5-201 Purpose and Intent

The Commercial Highway (C-2) District is established primarily to allow highway related commercial uses and business uses where vehicle access is the norm. It contains general commercial establishments serving the needs of the motoring public and the local needs for general commercial uses in which establishments are automobile oriented or are freestanding businesses where automobile access is the norm. The C-2 district should be located so as to provide convenient automobile access while at the same time not overly congesting area roads. Primary highway access should be a prerequisite.

5-202 Principal Uses Permitted By Right

The following principal uses shall be permitted by right in the C-2 District subject to the use restrictions and standards in Section 5-207, below, and in Article 8:

1. Transient Housing
 - A. Hotel, motel
2. Community Uses
 - A. Meeting halls for social, fraternal, civic, public and similar organization.
3. Educational Uses
 - A. **Preschool/day care center/nursery school**
 - B. School of special/technical education, indoor
4. Institutional Uses
 - A. **Medical care facility, minor, limited to facilities which have a capacity of less than 20 beds**
 - B. **Place of Worship**

5. Recreation and Amusement Uses
 - A. **Baseball hitting range and archery range**
 - B. Bowling alley
 - C. **Country club/golf course, public or private**
 - D. **Drive in theater**
 - E. Golf driving range
 - F. Golf, miniature
 - G. Golf practice facility
 - H. **Health club/spa**
 - I. **Pool/billiards/amusement arcade facility**
 - J. Private clubs
 - K. Skating rink
 - L. Swimming/tennis (racquet) facility, public or private
 - M. Theatre, indoor
6. Public and Quasi-Public Uses
 - A. Animal shelter
 - B. **Civic center (governmental)**
 - C. **Library**
 - D. Museum
 - E. Parks & recreation facilities (governmental/civic), non-athletic
 - F. Post Office
 - G. Recycling containers, governmental

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7. Commercial Retail Uses
 - A. Antique shop
 - B. Convenience store
 - C. **Fuel yard, solid**
 - D. **Retail sales establishment and shopping center less than 75,000 square feet**
8. Commercial Business Uses and Personal Services
 - A. **Barber/beauty shop**
 - B. Broadcasting studio
 - C. **Carpentry, plumbing, electrical, printing, welding, sheet metal shops, less than 5000 sq. ft.**
 - D. Conference center
 - E. Eating establishment
 - F. Eating establishment, fast food
 - G. Farm supply establishment
 - H. Financial institutions
 - I. Funeral home
 - J. **Furniture repair, cabinet making, upholstery**
 - K. **Laundry/dry cleaners/laundromat**
 - L. Office, business and professional
 - M. **Repair service establishment**
 - N. **Taxidermy shop**
 - O. Veterinary clinic
9. Motor Vehicle Related Uses

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- A. Auto body/painting establishments
 - B. Auto repair garage
 - C. Automobile/truck sales, rental and service (including motorcycles and recreational vehicles)
 - D. Farm equipment sales, rental and service
 - E. **Manufactured home sales, rental and service, off site**
 - F. **Motor vehicle impoundment (maximum of 10 vehicles)**
 - G. Recreational Vehicle Storage Area
 - H. Service station
 - I. Truck and heavy equipment sales, rental and service
 - J. Vehicle part sales and installation
 - K. Vehicle wash
10. Wholesaling and Processing Uses
- A. Auction establishment
 - B. Carpet and rug cleaning
 - C. **Commercial storage and processing of bulk agricultural products**
 - D. Frozen food lockers
 - E. **Wholesale sales establishment up to 75,000 sq. ft.**
 - F. **Wholesale trade establishment with associated retail sales.**
11. Industrial Uses
- A. **Contractors offices, shops and material storage yards with all equipment and materials contained entirely within a building or completely screened from view**

12. Agricultural Uses
 - A. **Community farmers market**
 - B. **Farm- crop/livestock/horse/truck**
 - C. Forestry
 - D. Greenhouse (wholesale and retail); plant nursery (retail sales)
13. Public Utilities
 - A. Water and sewer pumping and storage facilities, below ground.

5-203 Uses Permitted as Accessory Uses

Accessory uses and accessory service uses are defined in Article 12 and are set forth and subject to the regulations and standards as specified in Part 7 of Article 8. In general accessory uses and structures are uses or structures which are subordinate to and serve the principal use; and are located within the building or structure served or on the same lot.

5-204 Uses Permitted by Special Exception

The following uses may be approved by Special Exception by the Board of Supervisors pursuant to the regulations and standards of Article 8 and procedural requirements of Part 5 of Article 9:

1. Educational Uses
 - A. **Primary school and secondary/advanced school with or without dormitory, fraternity/sorority house or residential facilities for use by students, faculty or others affiliated with an educational institution**
2. Recreation Uses
 - A. **Equestrian facilities (boarding and instruction) (spectator facilities)**
 - B. Field events and activities (Class A) as defined in Article 12

- C. Field events and activities (Class B), as defined in Article 12
 - D. Field events and activities (Class C), as defined in Article 12 and subject to a total attendance limit of 1,000 persons
- 4. Public and Quasi-Public Uses
 - A. Arena/stadium
 - B. Governmental facilities, County
 - C. Public safety facility, (fire, rescue, police station or substation facility)
 - D. Solid waste transfer station
- 5. Public Utilities
 - A. Electrical generating plant and facilities; utility transmission facilities not subject to State Corporation Commission; sewage treatment, disposal and water purification
 - B. Telecommunication facilities, radio, television, microwave, antenna and transmitting equipment and above ground water and sewer pumping storage facilities

5-205 Uses Permitted by Special Permit

The following uses may be approved by Special Permit by the Board of Zoning Appeals pursuant to the regulations and standards of Article 8 and procedural requirements of Part 6 of Article 9:

- 1. Educational Uses
 - A. School of special/technical education, outdoor
- 2. Institutional Uses
 - A. Residential care facility, minor
- 3. Recreation and Amusement Uses

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- A. **Firing range, skeet or trapshooting facility (indoor)**
 - B. Dance hall
 - C. **Marina, dock or boating facility**
- 4. Public and Quasi-Public Uses
 - A. Fairgrounds
 - B. **Parking facilities, public or private**
 - C. Parks and recreational facilities (government/civic),athletic
- 5. Commercial Retail
 - A. Retail sales in conjunction with industrial uses pursuant to Section 8-112
- 6. Commercial Business Uses and Personal Services
 - A. **Kennel/animal shelter**
- 7. Wholesaling and Processing
 - A. Bottling plant
 - B. Petroleum products bulk storage-wholesaler
 - C. Warehousing including moving and storage establishments and mini warehouses
 - D. **Wholesale sales establishment of 75,000 to 200,000 sq. ft.**
- 8. Industrial Uses
 - A. Enclosed laboratories and facilities for manufacturing, assembling, and research and development
- 9. Public Utilities
 - A. **Electrical substation distribution centers and transformer stations; natural gas, oil, and other**

petroleum products metering, regulation, compressor and local office space incidental thereto and necessary for the operation of such stations but not including any storage facilities

10. Transportation Uses

- A. Bus/rail terminal
- B. Helistops and heliports

11. Modification of Lot Sized, Width or Frontage

- A. **Pursuant to the standards of Section 8-124 of this Ordinance, the Board of Zoning appeals may modify the lot size, width and frontage requirements for industrial park developments**

12. Increases in Building Height

- A. Pursuant to the standards of Section 8-123 of this Ordinance the Board of Zoning appeals may approve an increase in height above that specified in Section 5-208, below.

5-206 Uses Permitted by Administrative Permit

The following uses may be approved by Administrative Permit by the Zoning Administrator pursuant to the regulations and standards of Article 8 and procedural requirements of Part 7 of Article 9:

1. Temporary Uses

- A. **Carnival, circus, festival, fair, tractor pull, horse show, dog show, steeplechase, pony ride, turkey shoot, sale of Christmas trees and other seasonal commodities and other similar activities**
- B. Construction office

5-207 Use Limitations

Unless otherwise specified in this Ordinance or modified pursuant to Part 3 of Article 10 of this Ordinance, all uses shall conform to the general and

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specific regulations and standards of Article 8 of this Ordinance. Included in this Article are performance standards and additional standards and regulations for specific permitted, special exception, special permit and administrative permit uses, accessory uses and structures, temporary uses, private streets, off-street parking and loading, signs, landscaping and buffering, and site plans.

Land lying within the 100 year floodplain, as defined in Article 12, is designated as a Floodplain (FP) overlay zoning district and is subject to the specific additional use restrictions, limitations and requirements of Part 6 of Article 7.

Land lying within designated airport safety and impact areas is subject to the additional regulations and restrictions of the Airport Safety and Impact (APSI) overlay zoning district set forth in Part 7 of Article 7. The APSI additional regulations include provisions which may limit new residential construction on land that is highly impacted by aircraft noise and may require soundproofing and other measures for specified locations near an airport.

Use limitations that apply to all uses in the C-2 zoning district are:

1. Access by private streets shall not be allowed across land zoned for residential uses.
2. Site or lot entrances shall be subject to the following restrictions
 - A. On a corner lot no entrance shall be located closer than 60 feet to the right-of-way line of the intersecting street;
 - B. Except where frontage is on a service drive, a single, freestanding use shall have no more than two entrances on any single right-of-way and curb cuts for such entrances shall have a minimum of 40 feet between them;
 - C. Except on a cul-de-sac, no entrance shall be located closer than 20 feet to a side or rear lot line unless a common entrance serves the adjacent lot and uses thereon;
 - D. There shall be a minimum of 40 feet between entrances serving adjacent land uses or property.
3. Outdoor storage display areas and loading areas shall be permitted only on the same lot with, and ancillary to, a permitted, special

exception or special permit use and shall be limited to that area so designated in an approved site plan.

4. **Yards, berms, vegetative screening, fences or walls shall be provided to buffer the visibility of all outdoor storage, loading areas and off-street parking from adjacent residential areas.**
5. **All utility distribution lines shall be underground.**

5-208 Lot and Building Requirements

1. Minimum lot size: 30,000 sq.ft.
2. Minimum Lot Width: 100 ft.
3. Minimum Front Yard:
 - A. Where a lot fronts on a street the minimum yard,
measured from the right-of-way of the street shall be:
 - (1) Urban local or rural
minor collector: 75 feet
 - (2) Urban collector or
rural major collector: 90 feet
 - (3) Freeways and principal or
rural principal or minor arterial streets: 105 feet
 - B. Where a lot does not front on a **public** street, the minimum front yard requirement shall be 15 feet. This yard shall not include any part of the parking area or driveway
4. Minimum Side and Rear Yards
 - A. Adjoining C or I Districts: 0 feet if the structure is on the property line; 12 feet if setback from the property line
 - B. Adjoining Rural or Residential Districts: 50 feet
5. Maximum Building Height: 35 ft.
6. Maximum Lot Coverage: **45** %.

5-209 Minimum District Size

A minimum of 5 acres shall be required to establish a C-2 district.

5-210 Minimum Landscape Requirements

A minimum of 10% of the lot area shall be landscaped in accordance with a landscape plan submitted and approved at the time of site plan approval.

**PART 3 5-300 COMMERCIAL COMMUNITY/REGIONAL
SHOPPING CENTER (C-3) DISTRICT**

5-301 PURPOSE AND INTENT

The Commercial Community/Regional Shopping Center (C-3) District is established primarily to provide for the larger shopping center type needs. **Such centers are to provide for the broader shopping demand and should contain larger stores, such as a grocery chain or department store as anchor stores.** The size and location of the center, therefore, should relate to the needs of the trade area that will be served as well as to an interrelationship with other areas for such uses as identified in the Comprehensive Plan. Site access and availability of public utilities are also considerations in determining whether a particular location is suitable for C-3 zoning.

5-302 Principal Uses Permitted By Right

The following principal uses shall be permitted by right in the C-3 District subject to the use restrictions and standards in Section 5-307, below, and in Article 8:

1. Transient Housing
 - A. **Hotel, motel**
2. Community Uses
 - A. **Meeting halls for social, fraternal, civic, public and similar organization**
3. Educational Uses
 - A. Preschool/day care center/nursery school
 - B. **School of special/technical education, indoor**
4. Institutional Uses
 - A. **Medical care facility, minor, limited to facilities which have a capacity of less than 20 beds**
 - B. **Place of Worship**

5. Recreation and Amusement Uses
 - A. **Baseball hitting range and archery range**
 - B. Bowling alley
 - C. Country club/golf course, public or private
 - D. **Drive in theater**
 - E. **Golf driving range**
 - F. **Golf, miniature**
 - G. **Golf practice facility**
 - H. Health Club/spa
 - I. **Pool/billiards/amusement arcade facility**
 - J. Private clubs
 - K. Skating rink
 - L. Swimming/tennis (racquet) facility, public or private
 - M. Theatre, indoor
6. Public and Quasi-Public Uses
 - A. Civic center (governmental)
 - B. Library
 - C. Museum
 - D. Parks & recreation facilities (governmental/civic), non-athletic
 - E. Post Office
 - F. Recycling containers, governmental

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7. Commercial Retail Uses
 - A. Antique shop
 - B. Convenience store
 - C. **Fuel yard, solid**
 - D. Retail sales & shopping centers less than 200,000 sq. ft.
8. Commercial Business Uses and Personal Services
 - A. Barber/beauty shop
 - B. Broadcasting studio
 - C. **Conference center**
 - D. Eating establishment
 - E. **Eating establishment, fast food**
 - F. Financial institutions
 - G. **Funeral home**
 - H. **Furniture repair, cabinet making, upholstery**
 - I. Laundry/dry cleaners/laundromat
 - J. Office, business and professional
 - K. Repair service establishment
 - L. **Taxidermy shop**
 - M. **Veterinary clinic**
9. Motor Vehicle Related Uses
 - A. **Auto body/painting establishments**
 - B. **Auto repair garage**

- C. **Automobile/truck sales, rental and service (including motorcycles and recreational vehicles)**
 - D. **Farm equipment sales, rental and service**
 - E. **Service station**
 - F. **Vehicle part sales and installation**
 - G. **Vehicle wash**
10. Wholesaling and Processing Uses
- A. **Auction establishment**
 - B. **Carpet and rug cleaning**
 - C. **Frozen food lockers**
 - D. **Wholesale trade establishment with associated retails sales**
- 11 Agricultural Uses
- A. **Community farmers market**
 - B. **Farm-crop/livestock/horse/truck farms; plant nursery/greenhouse (less than 10,000 sq.ft.) wholesale only**
 - C. Forestry
 - D. Greenhouse (wholesale and retail); plant nursery (retail sales)
- 12 Public Utilities
- A. Water and sewer pumping and storage facilities, below ground.

5-303 Uses Permitted as Accessory Uses

Accessory uses and accessory service uses are defined in Article 12 and are set forth and subject to the regulations and standards as specified in Part 7 of Article 8. In general accessory uses and structures are uses or

structures which are subordinate to and serve the principal use; and are located within the building or structure served or on the same lot.

5-304 Uses Permitted by Special Exception

The following uses may be approved by Special Exception by the Board of Supervisors pursuant to the regulations and standards of Article 8 and procedural requirements of Part 5 of Article 9:

1. Recreation and Amusement Uses
 - A. **Equestrian facilities (boarding and instruction) (spectator facilities).**
 - B. Field events and activities (Class A), as defined in Article 12
 - C. Field events and activities (Class B), as defined in Article 12
 - D. Field events and activities (Class C) as defined in Article 12 with a total attendance of fewer than 1,000 persons
2. Public and Quasi-Public Uses
 - A. **Arena/stadium**
 - B. Governmental facilities, County
 - C. **Public safety facility, (fire, rescue, police station or substation facility)**
3. Commercial Retail
 - A. Retail sales establishment and shopping center more than 200,000 square feet
4. Public Utilities
 - A. Electrical generating plant and facilities; utility transmission facilities not subject to State Corporation Commission; sewage treatment, disposal and water purification

- B. Telecommunication facilities, radio, television, microwave, antenna and transmitting equipment and above ground water and sewer pumping storage facilities

5-305 Uses Permitted by Special Permit

The following uses may be approved by Special Permit by the Board of Zoning Appeals pursuant to the regulations and standards of Article 8 and procedural requirements of Part 6 of Article 9:

1. Institutional Uses
 - A. **Residential care facility, minor**
2. Recreation Uses
 - A. **Firing range, skeet or trapshooting facility (indoor)**
3. Recreation and Amusement Uses
 - A. **Dance hall**
 - B. **Marina, dock or boating facility**
4. Public and Quasi-Public Uses
 - A. **Fairgrounds**
 - B. **Parking facilities, public or private**
 - A. Parks & recreation facilities (governmental/civic) athletic
5. Commercial Business Uses and Personal Services
 - A. **Carpentry, plumbing, electrical, printing, welding, sheet metal shops, less than 5000 sq. ft.**
 - B. **Kennel/animal shelter**
6. Public Utilities
 - A. **Electrical substation distribution centers and transformer stations; natural gas, oil, and other petroleum products metering, regulation, compressor**

and local office space incidental thereto and necessary for the operation of such stations but not including any storage facilities

7. Transportation Uses
 - A. Bus/rail terminal
 - B. Helistops and heliports
8. Modification of Lot Size, Width or Frontage
 - A. **Pursuant to the standards of Section 8-124 of this Ordinance, the Board of Zoning appeals may modify the lot size, width and frontage requirements for industrial park developments**
9. Increases in Building Height
 - A. Pursuant to the standards of Section 8-123 of this Ordinance the Board of Zoning appeals may approve an increase in height above that specified in Section 5-308, below.

5-306 Uses Permitted by Administrative Permit

The following uses may be approved by Administrative Permit by the Zoning Administrator pursuant to the regulations and standards of Article 8 and procedural requirements of Part 7 of Article 9:

1. Temporary Uses
 - A. **Carnival, circus, festival, fair, tractor pull, horse show, dog show, steeplechase, pony ride, turkey shoot, sale of Christmas trees and other seasonal commodities and other similar activities**
 - B. Construction office
 - C. Subdivision/Apartment Sales Rental Office (?)

5-307 Use Limitations

Unless otherwise specified in this Ordinance or modified pursuant to Part 3 of Article 10 of this Ordinance, all uses shall conform to the general and

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specific regulations and standards of Article 8 of this Ordinance. Included in this Article are performance standards and additional standards and regulations for specific permitted, special exception, special permit and administrative permit uses, accessory uses and structures, temporary uses, private streets, off-street parking and loading, signs, landscaping and buffering, and site plans.

Land lying within the 100 year floodplain, as defined in Article 12, is designated as a Floodplain (FP) overlay zoning district and is subject to the specific additional use restrictions, limitations and requirements of Part 6 of Article 7.

Land lying within designated airport safety and impact areas is subject to the additional regulations and restrictions of the Airport Safety and Impact (APSI) overlay zoning district set forth in Part 6 of Article 7. The APSI additional regulations include provisions which may limit new residential construction on land that is highly impacted by aircraft noise and may require soundproofing and other measures for specified locations near an airport.

Use limitations that apply to all uses in the C-3 zoning district are:

1. Access by private streets shall not be allowed across land zoned for residential uses.
2. Site or lot entrances shall be subject to the following restrictions
 - A. On a corner lot no entrance shall be located closer than 60 feet to the right-of-way line of the intersecting street;
 - B. Except where frontage is on a service drive, a single, freestanding use shall have no more than two entrances on any single right-of-way and curb cuts for such entrances shall have a minimum of 40 feet between them;
 - C. Except on a cul-de-sac, no entrance shall be located closer than 20 feet to a side or rear lot line unless a common entrance serves the adjacent lot and uses thereon;
 - D. There shall be a minimum of 40 feet between entrances serving adjacent land uses or property.
3. Outdoor storage display areas and loading areas shall be permitted only on the same lot with, and ancillary to, a permitted, special

exception or special permit use and shall be limited to that area so designated in an approved site plan.

4. **Yards, berms, vegetative screening, fences or walls shall be provided to buffer the visibility of all outdoor storage, loading areas and off-street parking from adjacent residential areas.**
5. **All utility distribution lines shall be underground.**

5-308 Lot and Building Requirements

1. Minimum lot size:

The minimum lot size is ten acres. This lot size is to reinforce the basic concept of the C-3 district which is that a shopping center is a group of commercial uses, designed as a single commercial group and under common ownership or management. Separate lots of less than ten acres may be created by special permit in as provided for in Section 5-305 above.

2. Minimum Lot Width:

No minimum lot width is established in this ordinance. If the Board of Zoning Appeals grants a special permit to reduce the minimum lot size, minimum lot widths shall be established at that time.

3. Minimum Front Yard:

- A. Where a lot fronts on a street the minimum yard,
measured from the right-of-way of the street shall be:

- (1) Urban local or rural
minor collector: 75 feet
- (2) Urban collector or
rural major collector: 90 feet
- (3) Freeways and principal or
rural principal or minor arterial streets: 105 feet

- B. Where a lot does not front on a street, the minimum front yard requirement shall be 15 feet. This yard shall not include any part of the parking area or driveway.

4. Minimum Side and Rear Yards
 - A. Adjoining C or I Districts: 0 feet if the structure is on the property line; 12 feet if setback from the property line
 - B. Adjoining Rural or Residential Districts: 50 feet
5. Maximum Building Height: 35 ft.
6. Maximum Lot Coverage: **45** %.

5-309 Minimum District Size

Ten acres

5-310 Minimum Landscape Requirements

A minimum of 15% of the lot area shall be landscaped in accordance with a landscape plan submitted and approved at the time of site plan approval.

PART 4 5-400 COMMERCIAL VILLAGE (CV) DISTRICT

5-401 Purpose and Intent

The Commercial Village (CV) District is established to provide for and to allow commercial activities appropriate to the needs of the villages, recognizing the rural service function of such communities.

5-402 Principal Uses Permitted By Right

The following principal uses shall be permitted by right in the CV District subject to the use restrictions and standards in Section 5-407, below, and in Article 8:

1. Residential Uses
 - A. **Dwelling, single family detached**
 - B. **Dwelling, apartment located above a store**
2. Residential Business
 - A. Home occupation with or without retail sales or service
3. Transient Housing
 - A. **Tourist home/boarding house**
4. Community Uses
 - A. **Meeting halls for social, fraternal, civic, public and similar organization.**
5. Educational Uses
 - A. **Preschool/day care center/nursery school**
 - B. **School of special/technical education, indoor**
6. Institutional Uses
 - A. **Place of Worship**

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7. Recreation and Amusement Uses
 - A. **Country club/golf course, public or private**
 - B. **Swimming/tennis (racquet) facility, public or private**
8. Public and Quasi-Public Uses
 - A. Parks & recreation facilities (governmental/civic), nonathletic
 - B. Library
 - C. **Museum**
 - D. Post Office
 - E. Recycling containers, governmental
9. Commercial Retail
 - A. Convenience store
 - B. Retail sales establishment and shopping center less than **5,000** sq. ft.
10. Commercial Business and Personal Services
 - A. Barber/beauty shop
 - B. **Broadcasting studio**
 - C. Carpentry, plumbing, electrical, printing, welding, sheet metal shops, less than 5000 sq. ft.
 - D. Eating establishment
 - E. Financial institutions
 - F. Furniture repair, cabinet making, upholstery
 - G. Laundry/dry cleaners/laundromat
 - H. Office, business and professional

- I. Repair service establishment
 - J. **Taxidermy shop**
- 11. Motor Vehicle Related Uses
 - A. **Auto repair garage**
 - B. **Farm equipment sales, rental and service**
 - C. Service station
- 12. Wholesaling and Processing
 - A. Frozen food lockers
- 13. Agricultural Uses
 - A. **Community farmers market**
 - B. Forestry
- 14. Public Utilities
 - A. Water and sewer pumping and storage facilities, below ground.

5-403 Uses Permitted as Accessory Uses

Accessory uses and accessory service uses are defined in Article 12 and are set forth and subject to the regulations and standards as specified in Part 7 of Article 8. In general accessory uses and structures are uses or structures which are subordinate to and serve the principal use; and are located within the building or structure served or on the same lot.

5-404 Uses Permitted by Special Exception

The following uses may be approved by Special Exception by the Board of Supervisors pursuant to the regulations and standards of Article 8 and the procedural requirements of Part 5 of Article 9:

- 1. Educational Uses

- A. **Primary school and secondary/advanced school with or without dormitory, fraternity/sorority house or other residential facilities for use by students, faculty or others affiliated with an educational institution**
2. Institutional Uses
 - A. **Medical care facility, minor, limited to facilities which have a capacity of less than 20 beds**
3. Recreation Uses
 - A. **Equestrian facilities (boarding and instruction) (spectator facilities)**
4. Public and Quasi-Public Uses
 - A. Governmental facilities, County
 - B. Public safety facility, (fire, rescue, police station or substation facility)
5. Public Utilities
 - A. Electrical generating plant and facilities; utility transmission facilities not subject to State Corporation Commission; sewage treatment, disposal and water purification
 - B. **Telecommunication facilities, radio, television, microwave, antenna and transmitting equipment and above ground water and sewer pumping storage facilities**

5-405 Uses Permitted by Special Permit

The following uses may be approved by Special Permit by the Board of Zoning Appeals pursuant to the regulations and standards of Article 8 and the procedural requirements of Part 6 of Article 9:

1. Institutional Uses
 - A. **Residential care facility, minor**
2. Adaptive Uses

3. Recreation and Amusement Uses
 - A. **Bowling alley**
 - B. Dance hall
 - C. **Drive in**
 - D. **Golf driving range**
 - E. **Golf, miniature**
 - F. Health club/spa
 - G. **Marina, dock or boating facility**
 - H. Pool/billiards/amusement arcade facility
 - I. Private clubs
 - J. **Skating rink, ice or roller, spectator sports**
 - K. **Theatre, indoor**
4. Public and Quasi-Public Uses
 - A. **Fairgrounds**
 - B. **Parking facilities, public or private**
 - C. Parks & recreation facilities (governmental/civic), athletic
5. Commercial Retail Uses
 - A. **Antique shops**
 - B. **Fuel yard, retail (Redefine)**
 - C. Retail establishment and shopping center more than **10,000** sq. ft. but less than 75,000 sq. ft.
6. Commercial Business Uses and Personal Services

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- A. Carpentry, plumbing, electrical, printing, welding, sheet metal shops, less than 5000 sq. ft.
 - B. Eating establishment, fast food
 - C. Farm supply establishment
 - D. **Funeral home**
 - E. Kennel/animal shelter
 - F. Veterinary clinic
7. Motor Vehicle Related Uses
- A. Auto body/painting establishments
 - B. Automobile/truck sales, rentals and service (including motorcycles and recreational vehicles)
 - C. **Vehicle car wash**
 - D. Vehicle part sales and installation
8. Public Utilities
- A. **Electrical substation distribution centers and transformer stations; natural gas, oil, and other petroleum products metering, regulation, compressor and local office space incidental thereto and necessary for the operation of such stations but not including any storage facilities**
9. Transportation Uses
- A. Bus/rail terminal
10. Modification of Lot Size, Width or Frontage
- A. **Modification of Lot Size, Width or Frontage.**

Pursuant to the standards of Section 8-124 of this Ordinance, the Board of Zoning appeals may modify the lot size, width and frontage requirements for industrial park developments

11 Increases in Building Height

- A. Pursuant to the standards of Section 8-123 of this Ordinance the Board of Zoning Appeals may approve an increase in height above that specified in Section 5-409, below.

5-406 Uses Permitted by Administrative Permit

The following uses may be approved by Administrative Permit by the Zoning Administrator pursuant to the regulations and standards of Article 8 and the procedural requirements of Part 7 of Article 9:

1. Temporary Uses

- A. **Carnival, circus, festival, fair, tractor pull, horse show, dog show, steeplechase, pony ride, turkey shoot, sale of Christmas trees and other seasonal commodities and other similar activities**
- B. Construction office
- C. Subdivision sales/rental office

5-407 Use Limitations

Unless otherwise specified in this Ordinance or modified pursuant to Part 3 of Article 10 of this Ordinance, all uses shall conform to the general and specific regulations and standards of Article 8 of this Ordinance. Included in this Article are performance standards and additional standards and regulations for specific permitted, special exception, special permit and administrative permit uses, accessory uses and structures, temporary uses, private streets, off-street parking and loading, signs, landscaping and buffering, and site plans.

Land lying within the 100 year floodplain, as defined in Article 12, is designated as a Floodplain (FP) overlay zoning district and is subject to the specific additional use restrictions, limitations and requirements of Part 6 of Article 7.

Land lying within designated airport safety and impact areas is subject to the additional regulations and restrictions of the Airport Safety and Impact (APSI) overlay zoning district set forth in Part 7 of Article 7. The APSI additional regulations include provisions which may limit new residential construction on land that is highly impacted by aircraft noise and may

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require soundproofing and other measures for specified locations near an airport.

Use limitations that apply to all uses in the CV zoning district are:

1. Access shall not be allowed by private streets across land zoned for residential uses.
2. Site or lot entrances shall be subject to the following restrictions
 - A. On a corner lot no entrance shall be located closer than 60 feet to the right-of-way line of the intersecting street;
 - B. Except where frontage is on a service drive, a single, freestanding use shall have no more than two entrances on any single right-of-way and curb cuts for such entrances shall have a minimum of 40 feet between them;
 - C. Except on a cul-de-sac, no entrance shall be located closer than 20 feet to a side or rear lot line unless a common entrance serves the adjacent lot and uses thereon;
 - D. There shall be a minimum of 40 feet between entrances serving adjacent land uses or property.
3. Outdoor storage display areas and loading areas shall be permitted only on the same lot with, and ancillary to, a permitted, special exception or special permit use and shall be limited to that area so designated in an approved site plan.
4. **Yards, berms, vegetative screening, fences or walls shall be provided to buffer the visibility of all outdoor storage, loading areas and off-street parking from adjacent residential areas.**
5. **All utility distribution lines shall be underground**

5-408 Density

Density for single-family detached dwelling units shall be 4 dwelling units per acre.

5-409 Lot and Building Requirements

1. Minimum lot size: 20,000 sq.ft.

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2. Minimum Lot Width: 80 ft.
3. Minimum Front Yard:
 - A. Where a lot fronts on a street the minimum yard,
measured from the right-of-way of the street shall be:
 - (1) Urban local or rural
minor collector: 15 feet
 - (2) Urban collector or
rural major collector: 15 feet
 - (3) Freeways and principal or
rural principal or minor arterial streets: 15 feet
 - B. Where a lot does not front on a street, the minimum front yard
requirement shall be 15 feet. This yard shall not include any
part of the parking area or driveway.
4. Minimum Side and Rear Yards
 - A. Adjoining C or I Districts: 0 feet if the structure is on the
property line; 12 feet if setback from the property line
 - B. Adjoining Rural, Residential or Village Districts: 25 feet
5. Maximum Building Height: 35 ft.
6. Maximum Lot Coverage: 30 %.

5-110 Modifications to Yard and Height Requirements

Notwithstanding Section 5-110, above, in order to preserve the character of existing villages and settlements, and provide for greater flexibility the Zoning Administrator may modify the minimum front and side yard setback and height requirements specified above for new infill construction. If modified, setbacks from streets shall, however, be within twenty percent of the setbacks of the immediate neighboring dwellings. Setbacks for side yards should reflect the existing spacing between buildings in a block and, if modified, shall be within twenty percent of that average. The height of new construction should relate to the prevailing building height (in feet) of the entire block and, if modified, shall be eighty to one hundred twenty percent of the existing average of the block.

5-411 Minimum District Size

There is no minimum district size for the CV district.

5-412 Minimum Landscape Requirements

A minimum of 10% of the lot area shall be landscaped in accordance with a landscape plan submitted and approved at the time of site plan approval.